

Remarks

Claims 1-60 are pending in the application. All claims stand rejected. By this paper, claims 1, 18, 24, 31, 48, and 54 have been amended. New claim 61 has been added to provide claim coverage commensurate with the scope of the invention.

Claims 18 and 48 were objected to because of various informalities. Claims 24 and 54 were rejected under 35 U.S.C. §112 due to an antecedent basis problem. The applicants have amended these claims per the Examiner's suggestions and respectfully request that the Examiner withdraw his objection/rejection.

Claims 1-4, 6-9, 14, 17, 31-34, 39, 44 and 47 were rejected under 35 U.S.C. 102(b) as being unpatentable over Palmer. Claims 5, 21-23, 35, and 51-53 were rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer in view of Yen et al. ("Yen"). Claims 10, 18, 40, and 48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer in view of Feinleib. Claims 11 and 41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer and Feinleib, and further in view of Taylor, Jr. ("Taylor"). Claims 12 and 42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer, Feinleib, and Taylor, and further in view of Kenner et al. ("Kenner") and Yen. Claims 13, 30, 43, and 60 were rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer in view of Kenner and Yen. Claims 15, 16, 45, and 46 were rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer. Claims 19, 20, 49, and 50 were rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer in view of Nishikawa et al. ("Nishikawa"). Claims 24-29 and 54-59 were rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer

and Nishikawa, and further in view of Yen. These rejections are respectfully traversed as detailed below.

As amended, claim 1 recites a method for selectively retrieving and displaying supplemental content related to a television program being displayed by an interactive television system without requiring context information to be specifically encoded into the television program, the method comprising:

receiving a user command to find supplemental content;

obtaining contextual information pertaining to the television program being displayed;

sending an information request to a content source, the information request comprising the contextual information; and

in response to the content source identifying supplemental content related to the television program being displayed based upon the contextual information, retrieving the supplemental content from the content source for display by the interactive television system.

These claimed features are advantageous because a broadcaster does not need to transmit special triggers, codes or other indications of available supplemental content with the broadcast. When the user presses a "FIND" button or the like, the interactive television system sends context information, such as a time at which the button was pressed or keywords from closed captioning data, which is used by the content source for selecting particular supplemental content.

By contrast, Palmer requires specific data, e.g., program identification codes (PIC) or vertical time interval codes (VITC), to be embedded into the broadcast. These codes are read from the broadcast and transmitted to the content source when a user presses a button on the remote control. Thus, Palmer does not selectively retrieve and display supplemental content related to a television program being

displayed by an interactive television system without requiring context information to be specifically encoded into the television program, as required by claim 1. The applicants respectfully submit, therefore, that claim 1, as amended, is patentably distinct. Claim 31 has been amended to include similar limitations and is likewise believed to be patentably distinct for at least the same reasons. Claims 2-30 and 32-60 depend directly or indirectly from claims 1 and 31, respectively, and are also believed to be patentably distinct.

Claims 7 and 8 recite the following additional limitations:

wherein the contextual information comprises a time index.

* * *

wherein the time index indicates a time at which the user command is received.

These claimed features are advantageous because a broadcaster does not need to transmit special triggers, codes or other indications of available supplemental content with the broadcast. When the user presses a "FIND" button or the like, the interactive television system sends an information request including an indication of the current time, which is used by the content source for selecting particular supplemental content.

Palmer does not disclose sending "a time at which the user command is received" with the information request. As the Examiner correctly points out, Palmer may send a VITC (vertical interval time code). However, a VITC is not the current time of day, but a code used, for example, in VCRs, camcorders, and the like, primarily for editing purposes.

Moreover, unlike the claimed invention, Palmer's system must first read a VITC from the broadcast before it may be sent. Col. 3, lines 19-32. Thus, a broadcaster must initially embed a VITC into the broadcast. This defeats the advantage described above of not being required to embed special triggers, codes, etc., in the broadcast. Accordingly, claim 8 is believed to be patentably distinct. Claim 38 includes similar limitations and is likewise believed to be patentably distinct.

Similarly, new claim 61 recites a method for selectively retrieving and displaying supplemental content related to a television program being displayed by an interactive television system, the method comprising:

receiving a user command to find supplemental content;

sending an information request to a content source, the information request comprising the contextual information; and

in response to the content source identifying supplemental content related to the television program being displayed based, at least in part, upon the time at which the information request is received, retrieving the supplemental content from the content source for display by the interactive television system.

In this case, the information request does not even require an indication of the time. The fact that the request is received at a particular time is used at the content source for identifying appropriate supplemental content. Thus, claim 61 is believed to be patentably distinct.

Claims 10 and 11 recite the following additional limitations:

wherein the contextual information comprises at least one keyword obtained from closed-captioning text associated with the television program.

searching the content source for supplemental content comprising the at least one keyword.

These claimed features are advantageous because a broadcaster does not need to transmit special triggers, codes, or the like, other than the standard closed captioning (CC) information, which is almost always included for reasons other than enabling the display of supplemental content. Furthermore, unlike prior systems, the claimed invention does not require a producer to pre-associate context information with supplemental content. When the user presses a "FIND" button or the like, the interactive television system sends an information request including one or more keywords derived from current CC data, which is used by the content source for selecting particular supplemental content. As explained in the specification, "[b]ased upon the keywords 612 from the closed-captioning text, as described below, the content source 114 may search for supplemental content 406 related to the television program being displayed, even when the content source provider did not anticipate the user's interest by specifically including such content 406."

As the Examiner admits, Palmer does not send keywords derived from CC data in response to a user pressing a button on a remote control. However, the addition of Feinleib does not cure the deficiencies of Palmer. Feinleib relates to a system for synchronizing enhanced content with a video program using closed captioning. However, a producer must initially program supplemental data to be activated when specific key phrases of the CC script are encountered. See Abstract. This defeats the advantage discussed above of not having to pre-associate context information with supplemental content. Unless a broadcaster actively creates a key phrase data file, no supplemental information will ever be displayed. In Feinleib, unlike the claimed invention, the broadcaster must "anticipate a user's interest."

Furthermore, Feinleib relates to a non-analogous, passive system in which the supplemental content is simply displayed whenever the broadcaster chooses (based on the key phrase data file). This teaches away from the active searching in the claimed invention in which the user sends a direct command to find supplemental content.

In combining references, such as Palmer and Feinleib, the Examiner may not change the entire purpose and direction of Feinleib, only taking the portions of the reference that assist with the rejection and ignoring the overall contrary teachings of the reference. Accordingly, combining the references would yield, at best, supplemental content being selected (1) based on codes read from the broadcast (e.g., PIC, VITC) when a user actively presses a button on the remote control and (2) closed captioning information programmed by a content producer in key phrase data files which is shown passively without a user request. To do otherwise would be to rely on hindsight reconstruction based on the applicants' own teachings.

Thus, the applicants respectfully submit that claims 10 and 11 are patentably distinct. Claims 40 and 41 include similar limitations and are likewise believed to be patentably distinct for at least the same reasons.

Claim 12 recites the further steps of:

in response to supplemental content comprising the at least one keyword not being found at the content source:

searching a global information network for supplemental content comprising the at least one keyword; and

retrieving the supplemental content from the global information network for display by the interactive television system.

These claimed features expand upon the advantages discussed above by not even requiring the content source to include relevant supplemental information. If information matching the request is not found in the content source, the system may search a global information network, such as the Internet, based on the keywords derived from the closed captioning data (or using other contextual information, as recited in claim 13).

The Examiner admits that neither Palmer nor Feinleib (or even Taylor) disclose these claimed features, but relies on a combination with Kenner for searching a global information network where the supplemental content is not found at the content source. However, Kenner does not cure the deficiencies of these other references.

Initially, as explained above, Palmer and Feinleib cannot be combined, as the Examiner suggests, to enable keywords searching based on closed captioning data. Even if the references could be combined, Kenner relates to a video clip storage and retrieval system in which known video clips may be stored are either stored locally or at a more remote location (not a global communication network, as claimed). If a specific, "desired" video clip is not found locally, the system searches the remote location. Thus, Kenner relates to finding known entities in one of a plurality of known locations.

By contrast, the claimed method relates to searching for information the existence and location of which are not known. The closed captioning information may store, for example, keywords relating to a "blight on geoducks." If the content source does not include relevant information, a search is initiated on the Internet

using a search engine. However, there is no guarantee that any server on the Internet includes the requested information.

The applicants respectfully submit that Kenner is, non-analogous to the claimed invention and cannot fairly be combined with Palmer and Feinleib. Furthermore, the applicants respectfully submit that there is no motivation in any of the references for why Kenner should be combined with Palmer and Feinleib, aside from hindsight reliance upon the applicants' own teachings.

Even if the references were to be combined, as the Examiner suggests, the combination would not result in the claimed invention. At best, the combination would result in a system in which supplemental content is selected (1) based on codes read from the broadcast (e.g., PIC, VITC) when a user actively presses a button on the remote control, (2) closed captioning information programmed by a content producer in key phrase data files which is shown passively without a user request, and/or (3) based on a user's specific identification of video clip content stored either locally or on a remote server.

The applicants respectfully submit, therefore, that claims 12 and 13 are patentably distinct over the cited references. Claims 42 and 43 include similar limitations and are likewise believed to be patentably distinct for at least the same reasons.

In view of the foregoing, the applicants respectfully submit that all pending claims are patentably distinct over the cited references, alone or in combination. Reconsideration of all pending claims herein is respectfully requested.

Respectfully submitted,

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